

Department of Social and Health Services Secretary Susan N. Dreyfus has sent the following memorandum to members of the Legislature and their staffs.

TO: All Washington State Legislators & Legislative Staff

FROM: Susan N. Dreyfus
DSHS Secretary

SUBJECT: Adult Family Homes

The recent Seattle Times series regarding adult family homes has raised a number of issues. I assure you that the Governor and I take these issues seriously and are working swiftly to analyze and address them. I will keep you informed as we proceed.

The articles do not provide a complete picture of our state's long-term care program and adult family homes. Our seniors are not "for sale" as the article stated. Residents have a right to a dignified existence, including a choice of where they live. The Washington State Long Term Care System is built to be consumer centered. Our goal is to support a resident's right to choose to live in the least restrictive setting possible and all of our communications we have with a senior and their family is with this goal in mind.

We have developed a specific action plan to strengthen our regulatory oversight and information provided to the public. I will be providing the Governor with a full briefing in 60 days to include an analysis and recommendations of the following:

- A review of every case mentioned in the series to determine what could have been done differently in each of these situations and what has been learned from them in order to advance further system improvements;
- A detailed report on actions taken since 2007 to improve the inspection and investigation processes and to ensure consistency of application with each licensor and supervisor;
- An analysis of the results of the recent complaint quality reviews;
- Suggestions for enhancing the Adult Family Homes quality assurance processes, including administrative and regulatory changes, along with the issues raised about the sale of adult family homes;
- Possible statutory changes that would enhance the system.

Recent Department Actions

- A letter has gone to all licensed adult family home providers regarding The Seattle Times series and covering topics including admission and assessment, change of ownership and sale of the home, posting of inspection information, and upcoming changes to increase information available to the public.
- I personally have talked with The Washington Association of Realtors about working with their members on how to appropriately advertise an adult family home for sale.
- Implemented a data tracking system that allows us to track provider compliance history across residential settings to determine if an applicant should be denied a license.
- Through DSHS investigation and due process, approximately 2,750 individuals have been reported to the DSHS Background Check Central Unit to have a finding (examples are abuse, neglect, exploitation) that prevents them from working in long-term care.

- Providers have the option to surrender their license in lieu of revocation. This prevents them from operating a new Adult Family Home for 20 years.
- Prospective Adult Family Home provider orientation has been revised to focus stakeholders on the challenges that face licensees and on the licensing requirements, rather than on the process for getting licensed.
- Initial licensing was centralized for efficiency and consistency. Prior to licensure, there is an on-site inspection and discussion with the prospective provider. DSHS has instituted routine review of licensing application issues.
- Created protocols for quality complaint investigations that promote consistency among investigators, and perform random quality assurance checks on the investigations.
- Perform early visits (within 90 days) in newly licensed adult family homes. These visits are unannounced and occur after the home has admitted residents. The licensors evaluate the new provider's ability to provide the necessary care and services to residents, and to educate the provider further on the licensing rules. If problems are identified a complaint is generated for investigation.

Recent Regulatory Changes

- DSHS clarified in rule that when DSHS finds that an already licensed provider is operating an unlicensed home or if they find violations that are a serious risk to residents, DSHS may impose sanctions on that provider's existing licensed homes.
- The licensing requirements in Chapter 388-76 WAC were revised to make them clearer and easier to understand. The resident rights requirements in Chapter 70.129 RCW were incorporated into the licensing requirements so that they would be readily available for both providers and residents.
- The resident rights statute (Chapter 70.129 RCW) was included in the licensing rule so providers would understand their responsibility to inform residents of their rights.

Upcoming Regulatory Changes

- DSHS will increase the length of time from the current 30 days that residents must be notified of the sale of a home; DSHS will also require the provider to submit a copy of that notification with the change of ownership application instead of an attestation that this has occurred.
- Additional training and certification will be required of all new workers in Adult Family Homes and other community settings when I-1029 is implemented.
- DSHS will revise the Adult Family Home Inspection Process from a sample of residents to include expansion of the resident sample to include all residents in interviews and observations.
- DSHS will expand resources for Mandated Reporters by developing a guidebook for Adult Family Homes to use in reporting cases of vulnerable adult abuse, neglect, abandonment, and exploitation.

Consumer Information

- DSHS will require adult family homes to post their inspection/investigation reports.
- DSHS will post enforcement letters on our public website.
- DSHS presently has numerous educational resources available for consumers on our website. We are also looking at ways to increase these resources which enables citizens to access vital information to make informed decisions about long-term care.
- When a citizen calls to inquire about a specific adult family home, they will speak directly with either the Regional Administrator or the Field Manager for that respective county.

- Washington State has nearly 2,900 adult family homes. In FY 2009 we conducted 2,150 unannounced complaint investigations in adult family homes. These complaints are prioritized for investigation based on actual harm or potential for resident harm.
- Anyone who has a concern about care in an Adult Family Home can call the Residential Care Services toll-free line at 1-800-562-6078 to report abuse or neglect.

Legislation Needed

- SB 6571 and HB 2954 propose an increase in licensing fees. It is critical to have licensing fees increased in order to maintain existing DSHS oversight of long-term care providers.
- Without this increase, staff will have to be laid off and there will be less regulation of adult family homes.

Thank you for your commitment to our state's Long Term Care System. We must continue to prepare ourselves to meet the needs of our growing senior population and assure the quality of care they receive.